

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Peter M. Wild, David E. Floyd and Lewis D. Mikesell

Application No.: 09/902,494 Group: Not Yet Assigned

Filed: July 10, 2001 Examiner: Not Yet Assigned

WOODY PLANT INJECTION METHOD AND APPARATUS



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on 12-19-01 Melissa Bertolino

Date

Signature

Melissa Bertolino

Typed or printed name of person signing certificate

TRANSMITTAL OF FORMAL DRAWINGS

Assistant Commissioner for Patents  
Washington, D.C., 20231

Sir:

Transmitted herewith are formal drawings, sheets 1/4 - 4/4, figures 1-2, 3-4, 5 and 6, for filing in the subject patent application.

Acceptance of the formal drawings is respectfully requested.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Joyce C. Hersh

Registration No. 42,890

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: December 19, 2001

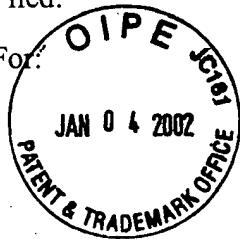
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TRANSMITTAL OF DECLARATION/POWER OF ATTORNEY AND  
NOTICE OF CHANGE OF CORRESPONDENCE ADDRESS

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

A Reply to Notice to File Missing Parts, including an executed Declaration/Power of Attorney document, is being filed concurrently in the above-referenced patent application. At page 2, the Declaration/Power of Attorney sets forth the former address of the undersigned in the appointment of agent and as correspondence address. Please send all correspondence to: Customer No. 021005, Hamilton, Brook, Smith & Reynolds, P.C., 530 Virginia Road, P.O. Box 9133, Concord, Massachusetts 01742-9133. In addition, please direct all telephone calls to Robert T. Conway at (978) 341-0036, and all facsimile communications to (978) 341-0136.

Respectfully submitted,

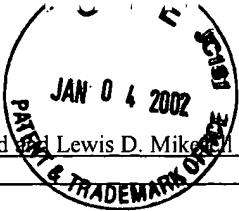
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By   
Joyce C. Hersh  
Registration No.: 42,890  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133  
Date: December 19, 2001

STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.27(a))--PERSON

DOCKET NUMBER: 3048.1000-002



Applicant or Patentee: Peter M. Wild, David E. Floyd and Lewis D. Mikell  
Application or Patent No.: 09/902,494  
Filed or Issued: July 10, 2001  
Title: Woody Plant Injection Method And Apparatus

I hereby state that I qualify as a person as defined in 37 CFR 1.27(a)(1) for purposes of paying reduced fees to the Patent and Trademark Office described in:

the specification filed herewith with title as listed above.  
 the application identified above.  
 the patent identified above.

I have not assigned, granted, conveyed, or licensed, and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to one or more parties who would not qualify as a person under 37 CFR 1.27(a)(1) or to any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

no such person, concern, or organization exists.  
 each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

Peter M. Wild  
NAME OF PERSON

Signature of Person

12/13/01

Date



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/902,494	07/10/2001	Peter M. Wild	3048.1000-002

## CONFIRMATION NO. 5907

## FORMALITIES LETTER



\*OC000000006513701\*

Robert T. Conway, Esq.  
 HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
 Two Militia Drive  
 Lexington, MA 02421-4799

Date Mailed: 09/05/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$180.
  - \$180 for 10 total claims over 20.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1020.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

01/09/2002 MBERHE 00000057 09902494

01 FC:201	370.00 OP
02 FC:205	65.00 OP
03 FC:203	117.00 OP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application No.: 09/902,494 Group: Not Yet Assigned

Filed: July 10, 2001 Examiner: Not Yet Assigned

For: WOODY PLANT INJECTION METHOD AND APPARATUS



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on 12-19-01 Melissa Bertolino  
Date Signature

Melissa Bertolino  
Typed or printed name of person signing certificate

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Notice to File Missing Parts dated August 31, 2001, the following documents and fees are being submitted for filing in the captioned application. A duplicate Notice To File Missing Parts was mailed from the Office on September 5, 2001. Applicants believe that the present Reply fulfills the requirements of both the Notice mailed August 31, 2001 and the Notice mailed September 5, 2001. Copies of both Notices are attached.

**EXECUTED DECLARATION/POWER OF ATTORNEY**

*(Separate transmittal letter and postcard not required)*

**POWER OF ATTORNEY DOCUMENT**

**GRANTED BY INVENTOR(S)**

**GRANTED BY ASSIGNEE, including Statement under 37 C.F.R. 3.73(b)**

*(Separate transmittal letter and postcard not required)*

**PRELIMINARY AMENDMENT**

*(Separate transmittal letter and postcard not required)*

**FILING FEE - with Fee Transmittal for Patent Applications in duplicate**

Fee calculations based on:

Claims as originally filed

Claims upon entry of the Preliminary Amendment filed

*(Separate transmittal letter and postcard not required)*

**SURCHARGE** - surcharge fee of \$65.00*(Separate transmittal letter and postcard not required)* **SEQUENCE LISTING** - Filed concurrently and is attached*(Separate transmittal letter and postcard required)* **TRANSMITTAL OF SUBSTITUTE DRAWINGS** Sheets of substitute drawings consisting of Figs. 1 - [ ] are enclosed*(Separate transmittal letter and postcard not required)* **PETITION FOR EXTENSION OF TIME**

Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated August 31, 2001 for two months from October 31, 2001 to December 31, 2001. The appropriate fee of \$200.00 is included in the enclosed check. A duplicate Notice To File Missing Parts was mailed from the Office on September 5, 2001. Applicants believe that the present Reply fulfills the requirements of the Notice mailed August 31, 2001 and the Notice mailed September 5, 2001. Copies of both are attached.

A [ ] month extension of time to respond to the Notice to File Missing Parts dated [ ] was filed on [ ] with payment of a \$[ ] fee

Applicant hereby petitions for an additional [ ] month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$[ ] is included in the enclosed check

*(Separate Petition for Extension of Time and postcard not required)* **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached*(Separate transmittal letter and postcard required)* **STATEMENT CLAIMING SMALL ENTITY STATUS**

Was filed on [ ]

Is enclosed herewith

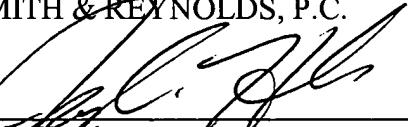
*(Separate transmittal letter and postcard not required)*

In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$[ ] which were paid on [ ] to be deposited in Deposit Account No. 08-0380

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$752.00. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

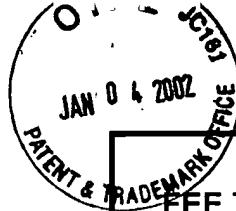
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By   
Joyce C. Hersh  
Registration No.: 42,890  
Tel.: (978) 341-0036  
Fax: (978) 341-0136

Concord, Massachusetts 01742-9133

Date: *December 19, 2001*

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

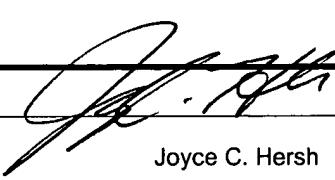


<b>FEES TRANSMITTAL FOR PATENT APPLICATIONS</b>	Attorney Docket Number	3048.1000-002
	Application Number	09/902,494
	First Named Inventor	Peter M. Wild

CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	<b>TOTAL CLAIMS (37 CFR 1.16(c) or (i))</b>	33 - 20* =	13	x \$ 18 =	\$ 234
	<b>INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))</b>	3 - 3** =	0	x \$ 84 =	\$ 0
	<b>MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))</b>			+ \$ 280 =	\$
				<b>BASIC FEE (37 CFR 1.16(a) or (h))</b>	\$ 740
				<b>Total of above Calculations =</b>	\$ 974
				<b>Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =</b>	\$ 487
				<b>TOTAL =</b>	\$ 487
				<b>Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =</b>	\$ 65
				<b>Petition for Extension of Time Fee (37 C.F.R. 1.17) =</b>	\$ 200
				<b>Assignment Recordation Fee = (only when filed with application)</b>	\$
<small>* Reissue claims in excess of 20 and over original patent ** Reissue independent claims over original patent</small>			<b>TOTAL =</b>	\$ 752	

1. Small entity status:
  - a.  A small entity statement is enclosed.
  - b.  A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
  - c.  Is no longer claimed.
2.  A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.
3.  A check is enclosed for \$752.00.  Please charge \$[ ] to Deposit Account No. 08-0380.
4.  Other: \_\_\_\_\_

Signature		Date	December 19, 2001
Submitted by Typed or Printed Name	Joyce C. Hersh	Reg. Number	42,890